

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

– *against* –

JERMAL LINCOLN,

Defendant.

**ORDER**

21-cr-442 (ER)

RAMOS, D.J.:

On July 21, 2022, Jermal Lincoln was sentenced to 60 months’ imprisonment and 3 years’ supervised release after having pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Doc. 28. On October 2, 2023, he moved, *pro se*, for a sentence reduction pursuant to Amendment 821 to the United States Sentencing Guidelines, which took effect on February 1, 2024 with retroactive effect. Doc. 36. Amendment 821 alters a provision of the Guidelines that applies additional criminal history points, commonly referred to as “status points,” for defendants who committed their offense while subject to a criminal justice sentence such as parole or supervised release. In response to Lincoln’s motion, the United States Probation Office prepared a supplemental presentence report concluding that Lincoln was eligible for the zero-point offender recalculation. Doc. 38 at 2–3. The report also noted that Lincoln’s original guideline range was 70 to 87 months and that his amended guideline range, with the requested reduction, would be 57 to 71 months. *Id.* at 3. The probation office therefore concluded that Lincoln is eligible for a sentence reduction. *Id.*

The Court then appointed Lincoln counsel (Doc. 39), who requested that the Court re-sentence Lincoln to 47 months’ imprisonment (Doc. 41). A sentence of 47 months would replicate the 10-month downward variance the Court previously imposed. *Id.* The Government opposes the request on the basis that the original 60-month sentence “continues to be justified by the relevant Section 3553(a) factors.” Doc. 42 at 3.

Specifically, the Government argues that Lincoln has a serious criminal history and was serving a term of parole for his participation in an armed robbery; and while Amendment 821 no longer allocates criminal history points in connection with his term of parole, the Court “is not required to ignore such a brazen disregard for the law.” *Id.*

The motion for a sentence reduction is GRANTED. Lincoln is hereby resentenced to 50 months’ imprisonment and 3 years’ supervised release, subject to the same conditions previously imposed. The Court will issue an amended Judgment reflecting the resentencing.

The Clerk of Court is respectfully directed to terminate the motion (Docs. 36, 41, 42).

It is SO ORDERED.

Dated: April 11, 2024  
New York, New York



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EDGARDO RAMOS, U.S.D.J.